

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 22-CR-1400-JB
)	
TROY DON TESTON,)	
)	
Defendant)	

**DEFENDANT’S NOTICE OF DEATH & MOTION ABATE PROCEEDINGS,
VACATE THE JUDGMENT, AND DISMISS THE UNDERLYING INDICTMENT**

Defendant, Troy Teston, apparently died on April 1, 2024. *United States v. Davis*, 953 F.2d 1482, 1486 (10th Cir. 1992). The Defense has requested Mr. Teston’s death certificate from the State of New Mexico’s Bureau of Vital Statistics, but still has not received it. From prior experience, the Defense has learned that it can be a month’s long process to obtain the death certificate. Therefore, the Defense submits the police report which is the only evidence documenting Mr. Teston’s death from a law enforcement agency that the Defense has received at this point. If the Court would prefer to wait until a death certificate is received, then the defense will happily supplement this motion at that point. According to *Davis*, 953 F.2d at 1486 the proper remedy is to abate future proceedings, vacate the judgment, and dismiss the underlying indictment. The United States, through Assistant United States Attorney Maria Armijo, does not oppose this Motion.

CONCLUSION

Considering that the police report is the only official document that is available documenting Mr. Teston's death the Defense moves this honorable Court for abatement of the conviction, dismissal of the indictment, and vacatur of the Judgment.

Respectfully Submitted,

FEDERAL PUBLIC DEFENDER

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/s/ **Electronically filed May 14, 2024**

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